

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954)
797-1101

PREPARED BY: Lise Bazinet, Planner II

SUBJECT: Resolution: Delegation Application, DG 6-4-07/07-106/7780
Griffin Road/Generally located at the corner of Griffin Road and 78th Avenue

AFFECTED DISTRICT: District 2

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING A DELEGATION REQUEST TO CHANGE THE RESTRICTIVE NOTE ON THE PLAT KNOWN AS “GRIFFIN 78”, AND PROVIDING AN EFFECTIVE DATE.

REPORT IN BRIEF: The petitioner requests approval to amend the restrictive note to allow the parcel to be use as 7,550 square feet bank. Currently the note on the Plat restricts the property to 20,000 square feet of commercial use. In exchange for receiving a five (5) year extension of time from Broward County to comply with the Plat's Finding of Adequacy, Broward County required no free standing banks and drive thru bank facilities would be permitted without the approval of the Broward County Board of County Commissioners who need to review and address these uses for increase impacts, as bank generate more trips than other commercial uses. The petitioner now desires the property be permitted to be use as a bank as there is an interest in developing the site as such.

Staff finds that the proposed change to the plat known as “Griffin 78” consistent with the proposed uses on the subject site.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Resolution, Justification letter, Plat, Future Land Use Map, Zoning, and Aerial Map

RESOLUTION _____

A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA,
APPROVING A DELEGATION REQUEST TO CHANGE THE
RESTRICTIVE NOTE ON THE PLAT KNOWN AS "GRIFFIN 78",
AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the boundary plat known as the "Griffin 78" was recorded in the
public records of Broward County in Plat Book 171, Page 134; and

WHEREAS, the owners desire to revise the restrictive note associated with said
plat; and

WHEREAS, Broward County requires that the Town of Davie concur with this
revision prior to a review of the proposed revision by Broward County Commission.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN
OF DAVIE, FLORIDA.

SECTION 1. The Town Council of the Town of Davie does hereby approve of
the proposed revision to the restrictive note shown on the "Griffin 78" plat. The
proposed revision being specifically described in the "Attachment (*Justification*)" hereto.

SECTION 2. Any improvements required to satisfy Transit Oriented
Concurrency should be located within the Town of Davie on the local road network.

SECTION 3. This resolution shall take effect immediately upon its passage and
adoption.

PASSED AND ADOPTED THIS _____ DAY OF _____, 2007.

MAYOR/COUNCILMEMBER

ATTEST:

TOWN CLERK

APPROVED THIS _____ DAY OF _____, 2007.

Exhibit "A"

Application: DG 6-4-07/ 07-106 /Griffin 78

Original Report Date: 07/26/07

Revisions:

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division
Staff Report and Recommendation

Applicant Information

Owner:

Name: B & R Development I, LLC

Address: 5011 S. State Road 7, Suite 107

City: Davie, Florida 33314

Phone: (305) 785-0920

Petitioner:

Name: Daniel Moskovitz, Esq.

Address: 48 E. Flagler Street, PH 104

City: Miami, Florida 33131

Phone: (305) 371-2248

Background Information

Application Request:

Delegation request approval to amend the restrictive note shown on the "Griffin 78" Plat **From:** "This plat is restricted to 20,000 square feet of commercial use" **To:** "This plat is restricted to 7,550 square feet of bank use." The proposed revision being specifically described attached hereto Exhibit(s).

Address:

7780 Griffin Road

Location:

Generally located on the southeast corner of Griffin Road and Southwest 78th Avenue

Future Land

Use Plan Map:

Commercial

Zoning:

Griffin Corridor District / University Drive Node

Existing/Proposed Use(s):

Vacant / 7,550 square feet bank

Parcel Size:

76,105 Square Feet (1.74 Acres)

Surrounding Uses:

North: C-11 Canal

South: Vacant

East: Vacant

West: CVS

Surrounding Future Land

Use Plan Map Designation:

Recreation Open Space

Commercial

Commercial

Commercial

Surrounding Zoning:

North: T, Transportation District

South, East, West: Griffin Corridor District / University Drive

Zoning History

Related Zoning History:

Ordinance No. 2000-007, approved by Town Council, rezoned this parcel to the Griffin Corridor District (West Gateway Use Zone 1) on February 2, 2000.

Previous Requests on same property:

Plat Request (P 8-2-99): Town Council approved Griffin 78 Plat on November 15, 2000, and was subsequently recorded in Plat Book 2, Page 26 in the official records of Broward County.

Developer's Agreement (DA 3-2-02): Town Council approved this agreement on April 17, 2002, for installation of required improvements relating to the Griffin 78 Plat. According to Exhibit "B" of this agreement, the required improvements include an eastbound right turn lane on Griffin Road, sidewalk along Griffin Road, traffic signal conduit relocation, and pavement markings and signs.

Site Plan Application (SP 7-4-04): Town Council approved on October 19, 2005 subject to adding pavers on the entrance to 78th Avenue crosswalk, to the applicant meeting with staff, Mayor and Council on the architectural design of the building itself, and to the Site Plan Committee's comments.

Delegation Request (DG 11-1-06): Town Council approved on December 20, 2006 the delegation request to amend the finding of adequacy date on the plat known as "Griffin 78."

Applicable Codes and Ordinances

The effective Code of Ordinances governing this project is the Town of Davie Land Development Code.

Land Development Code Section 12-32.303, (E) Intersection Commercial Nodes (Nodes). Within certain use zones, nodes permit concentrations of highway commercial type uses that cater to, and depend upon, large vehicular traffic volumes, which are not permitted outside of such nodes. The nodes are delineated on the Official Town of Davie Zoning Map. (1) University Drive Node: Located between University Drive and SW 76 Avenue within the West Gateway Zone.

* The Broward County Land Development Code requires Delegation Requests for plat note amendments.

Comprehensive Plan Considerations

Planning Area:

The subject property falls within Planning Area 9. This Planning Area is south of Griffin Road, generally north of Stirling Road, east of SW 76 Avenue and west of the Florida Turnpike. This area is predominantly agricultural in nature with scattered low-density single-family residential development. Low profile commercial development lines the Griffin Road, Davie Road, and Stirling Road corridors.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 102. The Broward County Land Development Code requires that any changes or waivers to requirements of development permit applications be reviewed and approved or disapproved by the municipality with final approval by Broward County Commission.

Applicable Goals, Objectives & Policies:

Future Land Use Element, Objective 4: Pursuant to the adopted Davie Future Land Use Plan Map, land uses, intensities and densities shall be distributed and concentrated in such a manner so as to promote an economically sound community and discourage urban sprawl.

Future Land Use Plan – Policy Group 7: Commercial Use Policy 7-1: The Town shall endeavor to expand its economic base through expansion of the commercial sector of its economy.

Future Land Use Element, Policy 7-4: Commercial land uses shall generally be located with access to primary transportation facilities including interstates, highways, and arterials. Commercial uses located on arterials not designated by the Future Land Use Plan Map as Commercial corridors should be limited to the intersection of two arterials or arterials and interstates. Consistent with Policy 7-1, vacant land with such access shall be evaluated for potential Commercial use.

Future Land Use Element, Policy 17-1: Lands designated for non-residential use shall be located in a manner, which facilitates development, but does not adversely impact existing and designated residential areas.

Future Land Use Element, Policy 17-3: Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Application Details

The petitioner requests approval to amend the restrictive note to allow the parcel to be use as 7,550 square feet bank. Currently, the note on the Plat restricts the property to 20,000 square feet of commercial use. In exchange for receiving a five (5) year extension of time from Broward County to comply with the Plat's Finding of Adequacy, Broward County required no free standing banks and drive thru bank facilities would be permitted without the approval of the Broward County Board of County Commissioners who need to review and address these uses for increase impacts, as bank generate more trips than other commercial uses. The petitioner now desires the property be permitted to be use as a bank as there is an interest in developing the site as such.

Staff Analysis

The purpose of this delegation request is to provide the petitioner an approval, to modify the restrictive note to 7,550 square feet of bank use on the plat known as “Griffin 78.”

Findings of Fact

Staff finds that the proposal to develop 7,550 square feet of bank use on the plat known as “Griffin 78” consistent with the Griffin Corridor District - University Drive Node, Commercial Land Use Plan Designation, and is compatible with the surrounding area. Staff has no objection to the request.

Staff Recommendation

Staff finds the application complete and suitable for transmittal to the Town Council for further consideration.

Town Council Action

Exhibits

1. Justification Letter
2. Plat

3. Future Land Use Plan Map
 4. Zoning and Aerial Map
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Prepared by: _____

Reviewed by:

Exhibit 1 (*Justification Letter*)

**Law Offices
of
EVAN R. MARBIN & ASSOCIATES, P.A.**

48 East Flagler Street, Penthouse 104
Miami, Florida 33131

EVAN R. MARBIN•
DANIEL S. MOSKOVITZ

Tel: (305) 371-2248
Fax: (305) 372-0681

• Also Admitted in Texas

June 29, 2007

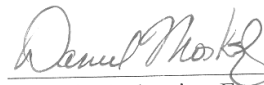
Town of Davie
Davie, Florida

Re: B & R Development I, LLC - Revision to note contained on the Plat of Griffin 78
Letter of Justification - Delegation Request Application
Our Client File No.: RI 1030.32

To Whom it May Concern:

Please be advised that I, on behalf of my client, B & R Development I, LLC (the "Company"), the owner of the real property (the "Property") located at 7780 Griffin Road, Davie Florida, am submitting the above referenced application in order to revise a note contained on the Plat of Griffin 78 (the "Plat") recorded in Plat Book 171, Page 134. Currently the note on the Plat restricts the Property to 20,000 square foot of commercial use. In exchange for receiving a five (5) year extension of time from Broward County to comply with the Plat's Finding of Adequacy, Broward County required no free standing banks and drive thru bank facilities would not be permitted without the approval of the Broward County Board of County Commissioners who need to review and address these uses for increased impacts as banks generate more trips than other commercial uses. The Company now desires that the Property be permitted for use as a bank having 7,550 square feet and for that reason it is submitting the Application.

Evan R. Marbin & Associates, P.A.



Daniel Moskowitz, Esq. on behalf of
B & R Development I, LLC

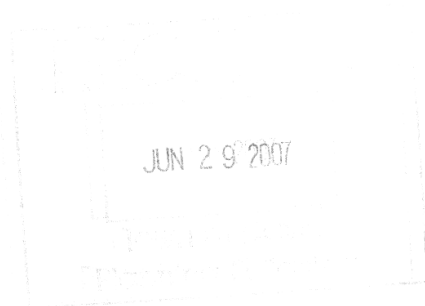
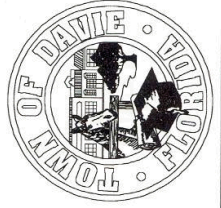
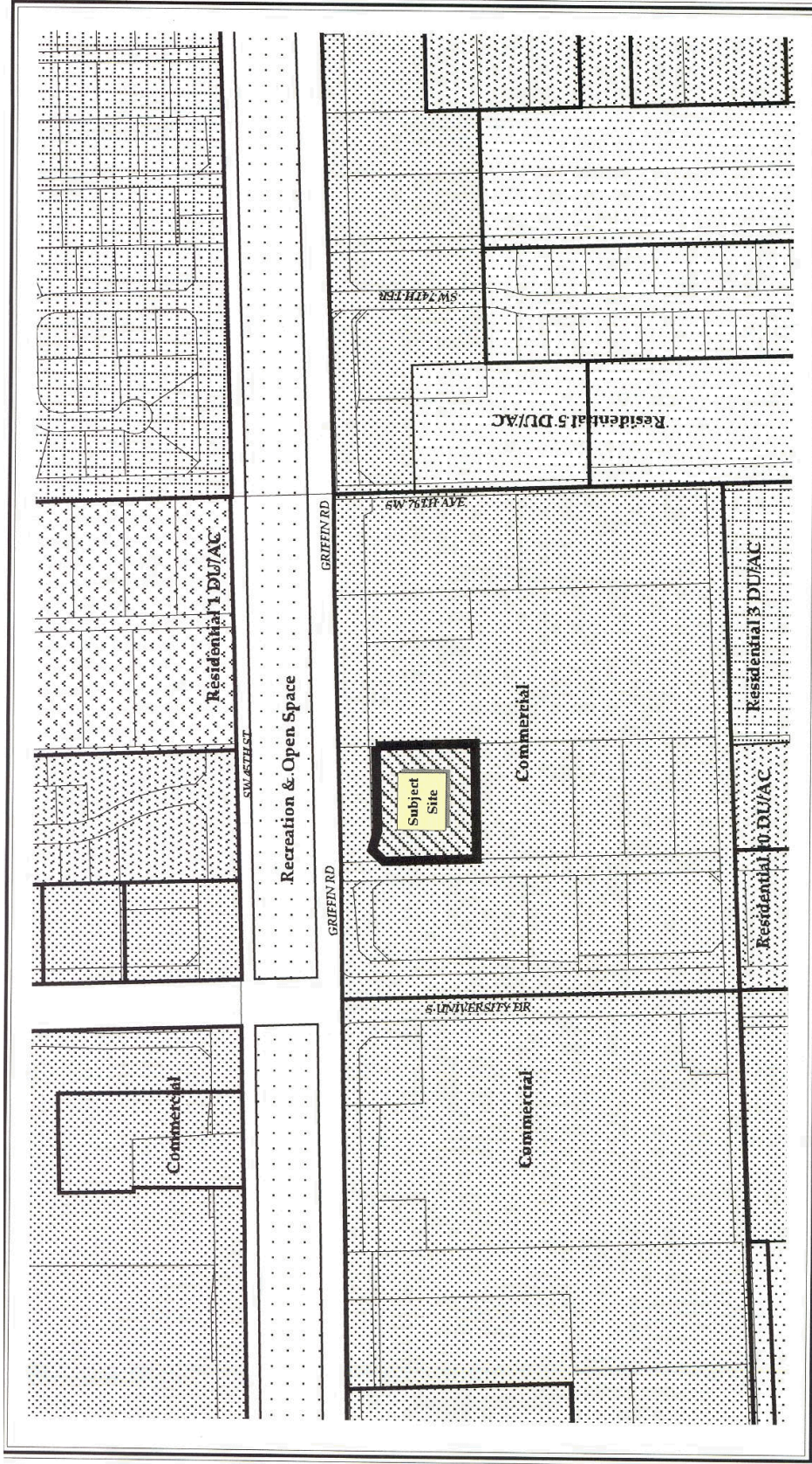
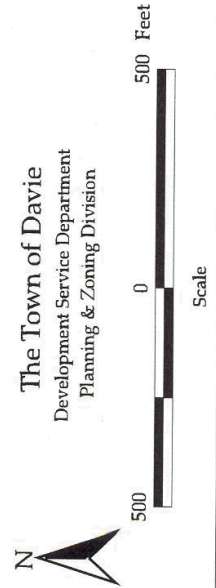


Exhibit 2 (*Plat*)

Exhibit 3 (*Future Land Use Map*)



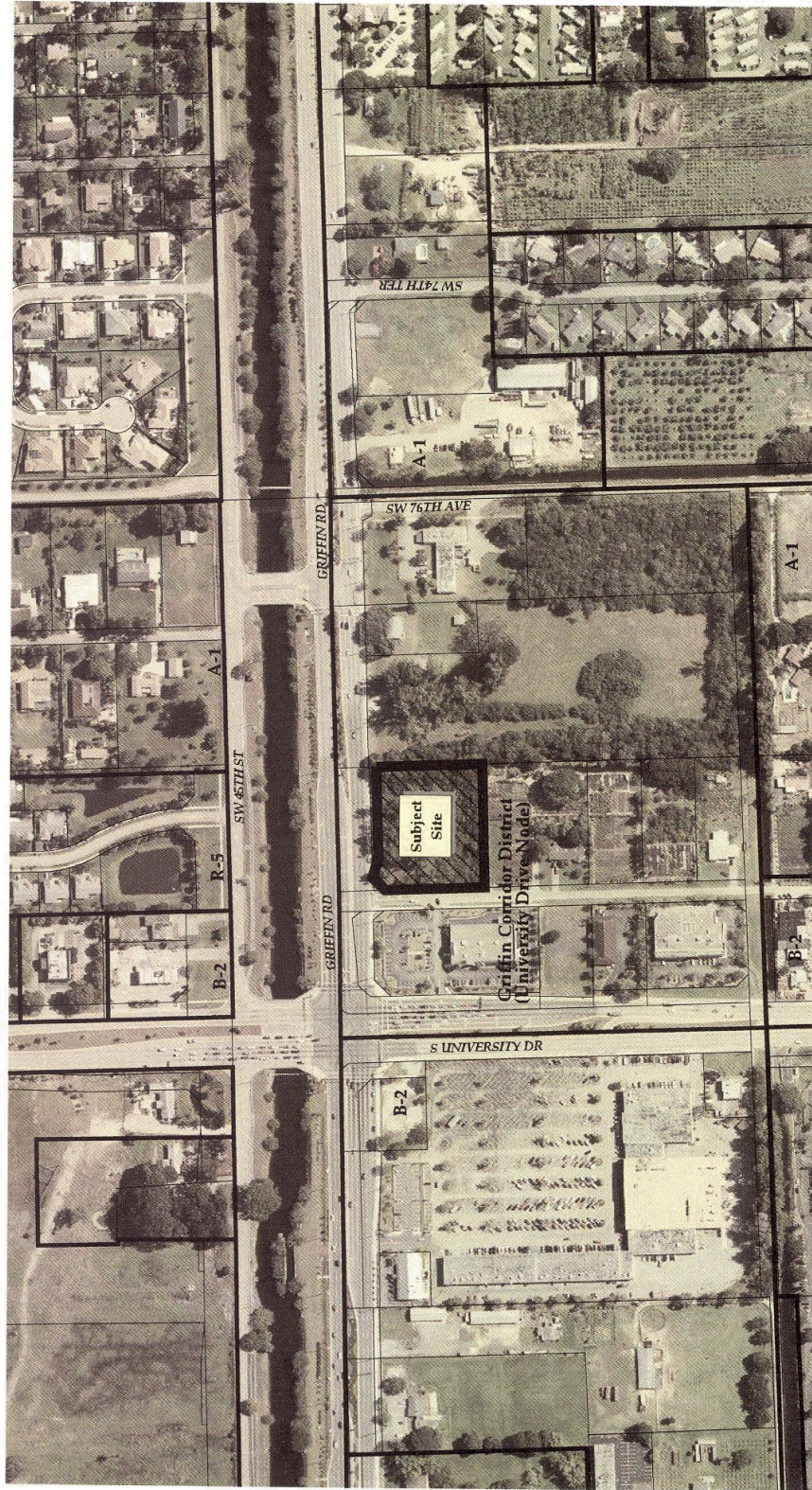
The Town of Davie
Development Service Department
Planning & Zoning Division



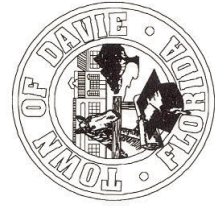
Site Plan Application

Prepared By: D.M.A.
Date Prepared: 7/19/05

Exhibit 4 (*Aerial, Zoning, and Subject Site Map*)



The Town of Davie
Development Service Department
Planning & Zoning Division



Site Plan Application SP 7-4-04, B & R Development Aerial, Zoning, and Subject Site Map

Prepared By: D.M.A.
Date Prepared: 7/19/05